

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of May 22, 2008 is respectfully requested.

In the outstanding Office Action, the Examiner rejected previously-pending claims 11-15 as being unpatentable over the Neuber reference (USP 5,909,981) in view of the Majewski reference (USP 6,264,397) and the Nelson reference (USP 5,379,479); and rejected previously-pending dependent claim 16 as being unpatentable over the Neuber reference in view of the Majewski reference and the Nelson reference, and further in view of the Dening reference (USP 2,900,883). During an interview conducted with the Examiner and the Examiner's Supervisor on August 12, 2008, these prior art rejections were discussed, and the Applicant wishes to express appreciation to the Examiner and the Examiner's Supervisor for conducting the interview. In view of the prior art rejections and the interview, the claims have now been amended as indicated above so as to clarify the distinctions between the present invention and the prior art. For the reasons discussed below, it is respectfully submitted that the amended claims are clearly patentable over the prior art of record.

A discussion of the features recited in amended independent claim 11 will now be provided below with reference to various portions of the present application. However, reference to any specific embodiment shown in the drawings or described in the specification is provided only for illustrative purposes, and is not intended to otherwise limit the scope of the claims to any particular embodiment.

As shown generally in Figure 1 and in more detail in Figure 3, the floor surface finishing device of amended independent claim 11 now further recites a connecting member 6 for connecting the finishing blade 8 to the plane leveling machine 5. The connecting member 6 includes an elevating arm 6f *pivotally connected to the plane leveling machine 5 so as to allow the finishing blade 8 to move in a vertical direction and to swing around the rotary blades 4 in a horizontal direction* such that at least a part of the finishing blade 8 contacts the floor surface to be finished 2 after the rotary blades 4 have contacted and passed over the floor surface to be finished 2.

As described in paragraphs [0035], [0036], and [0039], and shown in Figure 3, the connecting member, and particularly the elevating arm, allows the finishing blade to be moved in *both* a vertical direction *and* a horizontal direction. Thus, it is possible for the finishing blade to swing freely behind the plane leveling machine so as to follow the rotary blades and contact and finish the floor after the rotary blades have contacted and passed over the floor surface to be finished.

In the outstanding Office Action, the Examiner acknowledged that the Neuber reference does not teach a finishing blade that swings in a plane parallel to a plane including an area of rotation of the rotary blades, as recited in previously-pending independent claim 11. Nonetheless, the Examiner applied the Dening reference as teaching a finishing blade that can swing in a plane parallel to a plane including the area of rotation of the rotary blades. The Dening reference was discussed at length during the telephone interview conducted with the Examiner and the Examiner's Supervisor on August 12, 2008. In particular, the Examiner's Supervisor stated that the Dening reference teaches arms 31,32 extending from a bracket 26, and the arms are attached to wires 33,34 so as to rotate the bracket 26 about a cylinder 5. Extending from the bracket 26 are a pair of arms 27,28 to which are attached blades 29,30. Manipulating a handle 37 attached to the wires 33,34 will therefore cause the bracket 26 to turn so as to rotate the arms 27,28 and the blades 29,30.

However, as noted above, independent claim 11 has now been amended to recite that the floor surface finishing device includes a connecting member for connecting the finishing blade to the plane leveling machine. Based on the telephone interview conducted with the Examiner and summarized above, it *appears* that the arms 27,28 would correspond to such a connecting member. However, amended independent claim 11 now further recites that the connecting member includes *an elevating arm pivotally connected to the plane leveling machine so as to allow the finishing blade to move in a vertical direction and to swing around the rotary blades in a horizontal direction*. There is no structure in the Dening reference that would correspond to an elevating arm that has a structure which could allow the blades 29,30 to move in a vertical direction *and* to swing around the rotary blades in a horizontal direction.

Of course, the Examiner applied the Neuber reference as teaching a mechanism that allows a blade (straight edge 30) to move in a vertical direction. However, the straight edge 30 of the Neuber reference is rigidly fixed to the “plane leveling machine” of the Neuber reference by frame 34 (see column 5, lines 58-62). While the frame extensions 44 provide a base for the mechanism which lifts the straight edge 30, the frame 44 also *prevents* the straight edge 30 from moving in a horizontal direction (i.e., from swinging around rotary blades in a horizontal direction).

As noted above, the Neuber reference and the Denning reference (either alone or in combination) completely lack any teaching of a mechanism which would allow a finishing blade to move in *both* a vertical direction *and* a horizontal direction. Thus, it is submitted that the combination of the Neuber reference and the Denning reference does not teach or even suggest an elevating arm pivotally connected to a plane leveling machine so as to allow a finishing blade to move in a vertical direction *and* to swing around the rotary blades in a horizontal direction. Furthermore, the Majewski reference and the Nelson reference also do not teach or even suggest an elevating arm as recited in amended independent claim 11. Therefore, it is respectfully submitted that the prior art of record, including the Neuber reference and the Denning reference, would provide no apparent reason to one of ordinary skill in the art to obtain the floor surface finishing device as recited in amended independent claim 11. Accordingly, it is respectfully submitted that amended independent claim 11 and the claims that depend therefrom are clearly patentable over the prior art of record.

The Examiners’s attention is also directed to new dependent claims 17-20 which recite additional subject matter further distinguishing the present invention from the prior art. Thus, in addition to the reasons discussed above with respect to amended independent claim 11, it is submitted that dependent claims 17-20 are patentable over the prior art of record in view of the additional subject matter recited therein.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

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